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Viewing cable 06GENEVA2030, INSIDE THE HUMAN RIGHTS COUNCIL \

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Reference ID	Created	Released	Classification	Origin
06GENEVA2030	2006-08-23 05:21	2011-08-30 01:44	CONFIDENTIAL	US Mission Geneva

Appears in these articles:

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VZCZCXRO8205
PP RUEHAG RUEHBC RUEHDBU RUEHDE RUEHKUK RUEHLH RUEHPW RUEHSR
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FM USMISSION GENEVA
TO RUEHC/SECSTATE WASHDC PRIORITY 0761
INFO RUEHKK/ARAB ISRAELI COLLECTIVE
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Introduction and Summary \

1. (C) The newly established Human Rights Council (HRC) \ within the space of two months held an inaugural session \ (June 19-30) and two special sessions (July 5-6 and August \ 11) both focused on condemning Israel. As the U.S. \ Government debates whether or not to seek election to the \ Council next year, Mission Geneva hopes to share some \ insights and concerns that may aid the debate based on the \ HRC sessions to date. This message will address the \ opportunities and challenges we see in the new Council. It \ will also try to explain the internal dynamics of the \ regional groups from the Geneva perspective. The mixed \ results of the HRC's inaugural session and the decidedly \ one-sided results of the two special sessions point to two \ distinct tendencies within the Council: one to seize the \ opportunity to redress the shortcomings of the Commission of \ Human Rights; the other to exploit the numerical superiority \ of G-77 and/or Islamic countries to press an agenda that \ gives precedence to economic, cultural and social rights over \ political and civil rights or to single out Israel for \ condemnation. U.S. efforts to influence outcomes in both \ areas will on depend our ability to develop issue-by-issue \ partnerships across regional groups and our willingness to \ consider new approaches to issues on the human rights agenda. \

What's Possible \

2. (C) The HRC's first session came to a disappointing end \ after efforts to focus on establishing the organizational \ foundations for the new body were overshadowed by demands \ from the Arab Group and countries of the Organization of the \ Islamic Conference (OIC) to single out Israel and make the \ situation in the occupied territories a permanent feature on \ the Council's agenda. Nonetheless, early agreement among a \ number of states on the importance of establishing solid \ foundations for the new body indicated that, among those who \ see the Council as an opportunity to further the promotion \ and protection of human rights, there are areas of \ commonality. Although the spoilers, e.g. Cuba and the \ Palestinian observer, sought to derail some of the efforts, \ the first session of the Council agreed to a program of work \ for the first year, the creation of two working groups to \ elaborate proposals for the Universal Periodic Review (UPR) \ and the Mandate Review, and the temporary extension of \ mandates and mechanisms, including calling for a final \ meeting of the Sub-Commission on Human Rights. These issues \ will be discussed in consultations and informals during the \ next month, in preparation for the September 18-October 6 HRC \ session, providing various venues where the U.S. priorities \ may be advanced. \

3. (C) While there is general agreement among Western Human \ Rights Group (WHRG) members on the range of human rights \ issues in Geneva, key to our efforts will be establishing \ partnerships across regional groups on these issues. On \ organizational issues, the GRULAC may prove to be a useful \ partner. Division with the Eastern, Asian and African Groups \ will allow us to work with individual delegations on common \ approaches. It will be, however, essential to give them \ adequate support and when necessary the political cover to \ strengthen their will to oppose stronger members in their \ groups. \

Dealing with Country Situations \

4. (C) A greater challenge lies in efforts to bring \ attention to and take measures to deal with country specific \ situations. While Western Group countries and a few others \ support the Council's ability to address country situations, \ many see that as the root of the problems that beset the \ Commission on Human Rights. A number of states are motivated \ by self-interest in their opposition to dealing with country \ specific situations, fearing that they could become the \ subject of scrutiny. Of these, a small group, including \

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Cuba, Burma, Iran and North Korea, are determined to \ eliminate any mechanism that allows the Council to focus on \ individual countries. The majority seem inclined to work \ through the Council to deal with systemic violations of human \ rights through dialogue and cooperation, meaning reaching \

agreements on receiving technical assistance from the Office \ of the High Commissioner for Human Rights, other UN agencies, \ or regional mechanisms in order to avoid becoming the \ subjects of such resolutions. In their view country specific \ resolutions, which condemn violations or practices in a given \ state, should be used as a last resort. The opposition to \ country resolutions is in itself an indication of the value \ of maintaining this tool as the "stick" in urging nations to \ engage constructively and to request and accept technical \ assistance to address systemic problems. \

Special Sessions \

15. (C) The mechanism for holding special sessions, although \ recently abused by the OIC and Arab Group, remains a valuable \ option for addressing serious or emerging situations, \ provided the next special session is called to deal with a \ valid situation not involving Israel. Convoking a special \ session on any country, whether it is Darfur/Sudan, Burma, or \ the deteriorating situation in Sri Lanka, will likely be \ opposed by the concerned state, its regional group and those \ who object to addressing country situations in general. If \ the situation to be addressed is viewed, however, as a \ legitimate emerging crisis and not as a retaliation for the \ two Israel-focused sessions, interested states should be able \ to garner the necessary 16 signatures (the required \ one-third) from HRC members to convoke a session. A \ determination would have to be made early on regarding what \ would be the desired outcome of such a session -- bring \ attention to the situation; seek the country's acceptance of \ technical cooperation or advice; or pass a resolution \ condemning the situation and the government's culpability or \ failure to remedy it. Obviously, the latter would be the \ most difficult to attain. Intermediate measures that \ highlight dialogue and cooperation may yield improvements on \ the ground while at the same time restoring the validity of \ the special sessions mechanism. \

Regional Group Dynamics in Geneva \

16. (C) Last spring, in anticipation of the establishment of \ the HRC and its first session, a great deal of discussion \ centered on the need to foster cross regional consultations \ and coordination with the goal of reducing the \ contentiousness that impeded the work of the Commission. \ Numerous meetings were held, including by Mission Geneva, \ with counterparts in various groups. Although welcomed by \ all, these efforts did little to overcome long-standing \ suspicions regarding Western countries' motives, particularly \ from the African Group, which insisted that its only leverage \ came from acting as a bloc. Interestingly, in the three HRC \ sessions to date we have seen less than the usual level of \ concerted action by the regional groups. Instead, we have \ seen the OIC, with Arab group support, take a dogmatic, \ no-holds-barred approach to pushing its one-issue agenda, \ including refusing to consult other delegations or to \ consider amendments to its resolutions. The regional groups' \ reactions to the OIC's tactics (as outlined in paras 7-12) \ provide some insights into their internal dynamics. It is \ important to bear in mind, however, that on certain \ fundamental issues, such as privileging economic rights over \ political rights, the unifying force is not the regional \ group but the level of economic development. \

17. (C) OIC: Led in Geneva by Pakistani Permanent \ Representative Masood Khan, the OIC is very aggressive in \ pursuit of its anti-Israel agenda. It blithely ignores the \ hypocrisy of opposing the consideration of country-specific \ situations while singling out Israel for condemnation. Khan \ tends to view both the human rights and humanitarian affairs \ arenas as stages for him to expound his views and harangue \ those who disagree. In fact, at the conclusion of the \ conference on the new emblem for the Red Cross and Red \ Crescents Societies in June and the two HRC special sessions \ he requested the floor only to take to task the delegations \ with views contrary to those of the OIC. Egypt is another \ leading player in OIC activities in Geneva, often taking \ responsibility for drafting resolutions or decisions. \

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Egyptian PermRep Sameh Shoukry prefers to work behind the \ scenes. The Palestinian Observer is only active when Israel \ is the focus of discussion. More moderate OIC members -- \ Morocco, Tunisia, and Jordan --, have told us privately that \ on Israel-related issues the pressure from Syria, Egypt, \ Algeria, and Pakistan to maintain group unity is \ overwhelming. The OIC's rigid discipline multiplies its \ power because its membership crosses four regional groups -- \

Asian, African, Eastern and Western -- though Western Group \ member Turkey tends to keep a low profile. \

18. (C) African Group: This group has been the most \ outspoken in support of regional group unity and preeminence \ in the HRC's work. On procedural and organizational matters, \ it is able to maintain a united front, though some states \ such as Ghana, Zambia, and Nigeria, complain of the "big \ country to the north" (Egypt) bullying them. African Group \ unity has frayed, however, in dealing with the anti-Israel \ resolutions at the Council's first session and the two \ special sessions. In each of the three votes, Cameroon and \ Nigeria abstained. Ghana abstained in two and Gabon in one. \ In discussions with poloffs, delegates from these countries \ have expressed concern about the lack of consultations within \ the group, the focus on Israel to the exclusion of all else, \ and their opposition to dealing with country specific \ situations. We suspect that there is also worry that Sudan \ could become the subject of a resolution or special session. \

19. (C) Asian Group: Its members admit that it is nearly \ impossible to coordinate or reach consensus within this \ group. Unbridgeable gaps between Japan's, South Korea's and \ occasionally the Philippines' views and those of China and \ others tend to divide this group into two unequal blocks. \ Japan, also a member of the Western Group, routinely finds \ itself isolated in arguing for more moderate positions. It \ is, therefore, reluctant to take a leading role. South Korea \ and the Philippines eschew any leadership role, but will \ quietly press their views. China and India are the \ heavyweights, often taking similar views in support of NAM or \ G-77 positions, particularly in supporting economic, cultural \ and social rights over political and civil rights. The OIC, \ often with China's support, holds great sway over this group \ with Syria and Pakistan pushing the anti-Israel agenda. \

10. (C) Western Group (U.S.): This group is generally in \ agreement on the ultimate goal, though it frequently finds \ itself unable to agree on how to get there. All members are \ sensitive to U.S. views, but are extremely wary of being seen \ as U.S. puppets. The EU plays a large, if not always helpful \ role, within the WHRG. The EU's preference for arriving at \ "common" positions on all issues frequently weakens its \ ability to act forcefully. EU positions, as reflected in \ statements during informals or plenary sessions, are too \ often weak and unfocused, revealing the EU's inability to \ bridge significant differences among its members. The French \ took a particularly unhelpful position during the last \ special session, which was turned around after demarches in \ Paris by the United States, Germany, and UK (ref A). \ Finland, current EU president, is extremely cautious, almost \ to the point of paralysis, in its efforts to coordinate EU \ positions for the Council. A few very close EU colleagues \ have voiced their frustration with the Finnish presidency. \ Switzerland tends to see itself as the keeper of both \ humanitarian law and human rights law, a distinction it \ regularly blurs. During the past two months, it has become \ an increasingly unreliable partner in the WHRG. Swiss \ Foreign Minister Calmy-Rey sees Switzerland as a mediator of \ sorts even when it is apparent that there is nothing to \ mediate. EU colleagues complain that she is dismissive and \ contemptuous of their concerns. Canada, particularly since \ the Harper Government took office, has been a strong partner. \ The major cause for concern is Canada's vocal support for \ eliminating all resolutions in the Council. Australia and \ the UK remain the strongest U.S. partners. \

11. (C) Eastern Group: Deep divisions in the Eastern Group, \ between EU members and EU hopefuls on one side and Russia and \ a handful of former republics on the other, handicap its \ ability to act as a bloc. EU members and EU hopefuls abide \ by EU positions, but routinely consult with the U.S. \ delegation to gauge our responses. The Polish Mission, in \ particular, stays in close touch with us. The Russian \ Federation jealously watches for initiatives that may make it \ vulnerable to Council scrutiny of its own human rights \ situation and exerts heavy pressure on former republics to \

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fall in with it. \

12. (C) Latin American and Caribbean Group (GRULAC): \ Members have openly voiced their discontent with the \ elimination of the Commission and their concern that the \ Council will be no better and possibly worse than the \ Commission. With this in mind, they have taken a keen \ interest in development of the procedures and structures for \ the Council's work. Most have made thoughtful proposals \ regarding the new body's organization. Cuba, not \ surprisingly, continues to play the spoiler, looking to \

eliminate country mandates (at least the one focused on Cuba) \
and to blame the U.S. and EU for anything it opposes. It has \
yet to make any proposals regarding the issues under debate. \
On issues related to Israel, with the exception of Guatemala, \
the GRULAC has supported OIC actions. Argentina, Brazil, \
Uruguay in addition to Cuba co-sponsored the request for the \
special session on Lebanon. Argentine and Brazilian \
counterparts told poloff that, while the Lebanon resolution \
was one-sided and singled out Israel, the scale of the \
destruction in Lebanon warranted such action. During the \
June session of the Council, Brazil, Argentina, Chile and \
Ecuador invoked Mercosur unity to support the resolution \
putting Israel permanently on the Council's agenda. \
Guatemala has stood out by its willingness to take a \
principled position on these issues. Its explanation of \
position (abstention) at the last special session forcefully \
called on Council members to be even handed in their approach \
and to avoid actions that could undermine the Council's \
credibility. \

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Comment \

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13. (C) This message is based on Mission Geneva's \
observation of the conduct of delegations here and on \
exchanges with a large number of our counterparts. Based on \
responses to refs B and C, it appears that Geneva-based \
missions have a certain liberty of action or their \
governments fail to recognize that the United States does \
take note of their actions in the Human Rights Council. \
Mission Geneva would welcome any insights that posts could \
provide on their host governments' views and expectations for \
the Council. We would especially welcome information on \
their plans for the Sept. 18 - Oct. 6 session of the Council. \
End Comment. \

TICHENOR \